

Central Intelligence Agency
Washington, D.C. 20505

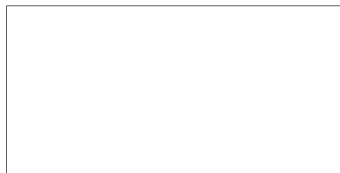
DCI/DDCI Executive Staff

20 July 1987

NOTE FOR: DCI

SUBJECT: Today's White House Meeting
with Carlucci and Baker

Attached is a memo from Arthur Culvahouse explaining today's meeting which will discuss the President's Intelligence Oversight Board. For what it's worth, attached is a copy of the Executive Order of December 1981 which established this body.



Attachment

JLM:gg

What should DCI tell 100 in briefing

What should DCI tell 100



Baker set up briefing Friday 31 July

THE WHITE HOUSE

WASHINGTON

July 20, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
CHIEF OF STAFF TO THE PRESIDENT

FRANK C. CARLUCCI
ASSISTANT TO THE PRESIDENT
FOR NATIONAL SECURITY AFFAIRS

WILLIAM H. WEBSTER
DIRECTOR OF CENTRAL INTELLIGENCE

FROM: ARTHUR B. CULVAHOUSE, JR. *ABC*
COUNSEL TO THE PRESIDENT

SUBJECT: Meeting in Howard Baker's Office,
5:00 p.m., Monday, July 20, 1987

The four of us are scheduled to meet at 5:00 p.m. on Monday, July 20, in Howard Baker's office at the White House.

The purpose of the meeting is to consider a request by the President's Intelligence Oversight Board (created by Executive Order 12334) to meet with the Chief of Staff to the President, the National Security Adviser and the Director of Central Intelligence. At such a meeting, it is anticipated that the Intelligence Oversight Board will request that it be provided contemporaneous copies of all covert action findings. As Howard Baker and Frank Carlucci are aware, the Intelligence Oversight Board this Spring issued an "Interim Report", based upon a staff "investigation", concluding that three former high ranking Executive branch officials acted "contrary to law and established practice" in failing to keep the Intelligence Oversight Board aware of the Iranian arms transactions and related matters. The Intelligence Oversight Board further stated that former DCI William Casey had agreed to provide the Intelligence Oversight Board with copies of special activities findings.

Relatedly, I believe that the President's Intelligence Oversight Board is likely to be criticized in the final reports to be issued sometime this Fall by the House and Senate Select Committees investigating the Iran/Contra matters. As you know, the President's Special Review Board (the Tower Board) and press commentators criticized the

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Intelligence Oversight Board for exceeding its impartial oversight role by issuing a legal opinion to LtCol Oliver North concluding that the National Security Council was not covered by the Boland Amendments. Accordingly, I believe that it might be prudent to discuss, preliminarily and internally, potential preemptive actions that might be taken to respond to these past and probable future criticisms of the Intelligence Oversight Board. In short, any discussion with the Intelligence Oversight Board regarding its access to special activities findings also should include consideration of operational and structural changes designed to enhance the Board's intelligence oversight function and to meet any changes therein to be recommended by Congress.

Executive Order 12334 of December 4, 1981

PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD¹

[3 C.F.R., 1981 Comp., p. 216, December 4, 1981, 50 U.S.C.A. 401 Note]

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to enhance the security of the United States by assuring the legality of activities of the Intelligence Community, it is hereby ordered as follows:

Section 1. There is hereby established within the White House Office, Executive Office of the President, the President's Intelligence Oversight Board,² which shall be composed of three members. One member, appointed from among the membership of the President's Foreign Intelligence Advisory Board, shall be designated by the President as Chairman. Members of the Board shall serve at the pleasure of the President and shall be appointed by the President from among trustworthy and distinguished citizens outside Government who are qualified on the basis of achievement, experience and independence. The Board shall utilize such full-time staff and consultants as authorized by the President.

Sec. 2. The Board shall:

- (a) Inform the President of intelligence activities that any member of the Board believes are in violation of the Constitution or laws of the United States, Executive orders, or Presidential directives;
- (b) Forward to the Attorney General reports received concerning intelligence activities that the Board believes may be unlawful;
- (c) Review the internal guidelines of each agency within the Intelligence Community concerning the lawfulness of intelligence activities;
- (d) Review the practices and procedures of the Inspectors General and General Counsel of the Intelligence Community for discovering and reporting intelligence activities that may be unlawful or contrary to Executive order or Presidential directive; and

¹ See at page XII-22, as ADDENDUM 1 to Part XII, the President's statement of December 4, 1981, on issuing Executive Orders 12333 and 12334.

² Executive Order 12036 (1978), revoked by E.O. 12333, also established an Intelligence Oversight Board.

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(e) Conduct such investigations as the Board deems necessary to carry out its functions under this Order.

Sec. 3. The Board shall, when required by this Order, report directly to the President. The Board shall consider and take appropriate action with respect to matters identified by the Director of Central Intelligence, the Central Intelligence Agency or other agencies of the Intelligence Community. With respect to matters deemed appropriate by the President, the Board shall advise and make appropriate recommendations to the Director of Central Intelligence, the Central Intelligence Agency, and other agencies of the Intelligence Community.

Sec. 4. The heads of departments and agencies of the Intelligence Community shall, to the extent permitted by law, provide the Board with all information necessary to carry out its responsibilities. Inspectors General and General Counsel of the Intelligence Community shall, to the extent permitted by law, report to the Board concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive.

Sec. 5. Information made available to the Board shall be given all necessary security protection in accordance with applicable laws and regulations. Each member of the Board, each member of the Board's staff, and each of the Board's consultants shall execute an agreement never to reveal any classified information obtained by virtue of his or her service with the Board except to the President or to such persons as the President may designate.

Sec. 6. Members of the Board shall serve without compensation, but may receive transportation, expense, and per diem allowances as authorized by law. Staff and consultants to the Board shall receive pay and allowances as authorized by the President.

Ronald Reagan

THE WHITE HOUSE,
December 4, 1981.

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